

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**JUNE 20, 2013; 7:05 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,  
BARRY FLITTON, JORY FRANCIS AND SCOTT  
FREITAG**

**ABSENT:**

**MICHAEL BOUWHUIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, TRACY PROBERT,  
JIM MASON, PETER MATSON, KENT  
ANDERSEN, ALLEN SWANSON, DEAN HUNT,  
DOUG BITTON AND THIEDA WELLMAN**

**The meeting was held in the Council Chambers of the Layton City Center.**

Mayor Curtis opened the meeting and excused Councilmember Bouwhuis. Boy Scout Braden Weidman with Troop 450 led the Pledge of Allegiance. Councilmember Flitton gave the invocation. Scouts from Troops 450 and 145 were welcomed.

**MINUTES:**

**MOTION:** Councilmember Flitton moved and Councilmember Freitag seconded to approve the minutes of:

**Layton City Council Work Meeting – May 2, 2013; and  
Layton City Council Meeting – May 2, 2013.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown indicated that this Monday would be the first concert in the Davis Arts Council's summer concert series. She said the concert would begin at 8:00 p.m. in the amphitheater and would include Midlife Crisis and Code Blue. Councilmember Brown said the summer schedule was available on the Davis Arts Council website or there was a link from the City's website.

Councilmember Brown said there would be a ribbon cutting ceremony on June 29th for the new splash pad. She said it would be at 9:00 a.m.

Councilmember Brown said tomorrow was the last day to nominate Hometown Heroes. She said this year heroes would be recognized that served in the Vietnam War. Councilmember Brown said applications were on the City website or they were available at any First National Bank.

Councilmember Brown said the July 4th celebration activities would begin on June 30th with a concert at 7:00 p.m. She said the concert would be Voices of Liberty, which was a patriotic concert. Councilmember Brown said the Hometown Heroes would be recognized that night at the concert. She said the activities on the 4th of July included a walk/run, breakfast, parade, flag raising ceremony, and Dutch oven cooking. Councilmember Brown said more information was available on the City's website.

Councilmember Brown said on July 24th Taste of the Town would be held in the park and that evening Riders in the Sky would perform a free concert in the amphitheater.

## **PRESENTATIONS:**

### **RECOGNITION OF LAYTON CITIZEN CORPS COUNCIL VOLUNTEERS EARNING THE 2012 PRESIDENT'S VOLUNTEER SERVICE AWARD**

Jim Mason, Assistant City Manager, said as the Council was aware, the City had wonderful volunteers. He said there was a heritage in the City of having volunteers that had served the citizens very well. Jim said the Layton Citizens Corps Council included CERT, Fire Corps, Volunteers in Police Service, Neighborhood Watch and amateur radio volunteers. He said volunteers from the Fire Corps and Volunteers in Police Service would be honored tonight. Jim explained the Presidential Service Award that was established in 2003 to recognize the contributions made by volunteers in communities. He turned the time over to Assistant Police Chief Allen Swanson.

Allen thanked the volunteers for their service. He introduced the Volunteers in Police Service, who came forward to receive their certificates of recognition and to shake hands with the Mayor and Council.

Dean Hunt, Fire Marshall, introduced the Fire Corps volunteers who came forward to receive their certificates of recognition and to shake hands with the Mayor and Council.

## **CONSENT AGENDA:**

### **INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND BRIGHAM CITY TO JOINTLY USE EACH OTHER'S DATA FACILITY TO PROVIDE FOR CONTINUITY OF OPERATION IN THE EVENT OF A MANMADE OR NATURAL DISASTER THAT DAMAGES ONE OF THE FACILITIES – RESOLUTION 13-33**

Jim Mason said Resolution 13-33 was an interlocal agreement between Layton City and Brigham City to jointly use each other's data facility to provide for continuity of operations in the event of a manmade or natural disaster that caused damage to one of the facilities. He said we lived in a time when there were disasters and emergencies, and there could be unexpected events such as fires. Jim said data tapes were sent to offsite storage facilities on a nightly basis, but the City hadn't had computer equipment to run that data in the event that the equipment was damaged. He said the agreement allowed for Layton City and Brigham City to reciprocate with each other and share a small amount of space in each other's facility to house some equipment. Jim said the equipment that would be stored in Brigham City was older equipment that had been refurbished. He said in the event that there was a damaging problem at the City's facility, there would be equipment and data available in Brigham City to be able to backup the data operations. Jim said under the agreement each party was compensated for the use of the other's facility by the reciprocal agreement. He said the agreement continued for a period of 10 years unless terminated by the mutual consent of both parties. Jim said as both cities were involved in UTOPIA, they would be able to communicate the data very quickly by paying \$50 per month for a fiber optic line. He said Staff recommended approval.

Councilmember Brown said Staff had worked on this for several years and she appreciated Staff's efforts.

### **AMENDMENT TO TITLE 9 OF THE LAYTON MUNICIPAL CODE – ORDINANCE 13-21**

Gary Crane, City Attorney, said Ordinance 13-21 was a general cleanup of Title 9 of the Layton Municipal Code. He said Title 9 dealt with public offenses, and was typically termed the criminal section of the City's Code. Gary said the City adopted, by reference, the entire State law in the criminal code; Title 9 contained things that were specific to Layton City or areas where the State code required that the City specifically adopt a provision of State code.

Gary said there were very few changes to the ordinance; a lot of things were removed because the State had preempted the field in a lot of areas, such as gambling, prostitution, and impounding of vehicles. He said those were removed from the Code and the City would simply refer to the State code when prosecuting those

cases from this point forward. Gary said Staff recommended approval.

Councilmember Brown said this item was discussed in detail in the earlier work meeting. She said the City's Code was online if anyone wanted to read it.

Gary said this was discussed extensively in the work meeting. He said there were two provisions brought up in the work meeting that were not contained in the original draft included in the Council packet. Gary said one was the prohibition of juveniles in pool halls, and the other one was prohibition of sky lanterns in the City. He said sky lanterns were being prohibited because of the City's proximity to the Air Force Base; they did not want fiery lamps shooting into the sky with jets taking off, and with the severe dry conditions. Gary asked that the Council include those items in the ordinance.

#### **ON-PREMISE BEER RETAILER LICENSE – SWAN LAKES GOLF COURSE – 850 N. 2200 W.**

Peter Matson, City Planner, said this was an on-premise beer retailer license for the Swan Lakes Golf Course located at 850 North 2200 West. He said there was a change of ownership, which required a new license. Peter said the Swan Lakes Golf Course had had an on-premise beer license since 1994. He said the location met all buffer requirements and background checks had been completed by the Police Department. Peter said Staff recommended approval.

Councilmember Freitag asked if the buffer was measured from the point of sale and not necessarily from the point that it could be consumed on the golf course.

Gary said the buffer was measured from the building it was sold in.

#### **FINAL PLAT APPROVAL – EVERGREEN FARMS PHASE 1 – NORTHEAST CORNER OF 2200 WEST AND LAYTON PARKWAY**

Peter Matson said this was a final plat approval for Evergreen Farms Subdivision, Phase 1, located on the northeast corner of 2200 West and Layton Parkway. He said Phase 1 was located on the western edge and had frontage on 2200 West, and a portion of frontage on the future extension of Layton Parkway, which would run along the south edge of the Evergreen Farms project. Peter said the applicant was the Adams Company and this phase contained 19 acres that would be developed into 48 single family residential lots. He said the density was about 2.5 units per acre.

Peter said a landscape buffer was required along Layton Parkway and would include an 8 foot masonry wall, which was along Layton Parkway in other areas. He explained how the landscaping buffer would wrap around to 2200 West. Peter said the half width of the Parkway would be constructed and dedicated to the City as part of the project.

Peter said the property was zoned R-S, and as with most west Layton subdivisions, this was a lot averaged project. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Freitag asked about the lighting ordinance and how it would apply to this development; and asked Peter to address the masonry wall being optional on 2200 West as it wrapped around from the Parkway.

Peter said the developer could choose to do a vinyl fence on 2200 West because it was a collector street and not an arterial. He said they could continue the masonry wall onto 2200 West if they wanted.

Councilmember Freitag said 2200 West was currently a collector street. In the event that 2200 West became an arterial street, whatever requirements associated with an arterial street wouldn't apply to developments that were already in place when it was a collector.

Peter said that was correct. He said vesting in the landscaping requirement took place at the time of plat

approval.

Councilmember Freitag asked if access for the development would be off of 2200 West.

Peter said yes; Evergreen Way would connect into 2200 West, and there was one entrance off of Layton Parkway. He said there were a handful of homes that would front onto 2200 West as well.

Peter said relative to the street lighting question, the Layton Parkway section would require the same lights that were along other sections of the Parkway. The collector street standard was a typical acorn lamp that was taller than what was required within neighborhoods. He said an approved lighting plan would be submitted with the plat.

### **AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-20**

Tracy Probert, Finance Director, said Ordinance 13-20 would amend the Consolidated Fee Schedule. He said there were three areas being proposed for amendment. Tracy said in the adopted tentative budget the City established a street lighting utility fund and an associated street lighting fee. He said effective July 1st, a fee of \$2 per month or \$4 per billing cycle would be charged on single family residential bills; a multi-family unit would be \$1 per unit per month; and commercial properties would pay \$2 per month per equivalent residential unit. Tracy said an equivalent residential unit was defined by frontage of the commercial property; 75 linear feet was one unit. He said these were the fees being proposed to support the street lighting utility.

Tracy said the second proposed amendment was a change in the fees charged to developers for light fixtures; there was a price change from the supplier that would be passed on to developers.

Tracy said the third proposed change related to the sanitary sewer system. He said the North Davis Sewer District was raising their fees by \$1.50 per month, which would be passed on to Layton utility customers. Tracy said Staff recommended approval of Ordinance 13-20 amending the Consolidated Fee Schedule as proposed.

Councilmember Freitag said relative to the pass through expense on the light fixtures; in the agreement with the supplier, was there a cap or maximum that they could increase the charge to the City for those fixtures.

Alex Jensen, City Manager, said there was no built in escalation provision. The intention was to bid this on a yearly basis to keep the prices reasonable and to have the supplier be competitive. He said it would be highly unlikely that the supplier would try to pass through a significant fee because they would have a disadvantage at the next bidding cycle.

Councilmember Freitag asked what the percentage increase was over last year.

Tracy said he hadn't calculated the percentage increase, but for example, the teardrop pole and fixture went from \$4,000 to \$4,100, and others went from \$2,300 to \$2,500. The double light fluted pole went from \$5,100 to \$5,000, which was a reduction. He said in some of the cases it appeared that it could be a 5% to 10% increase.

Alex said the prices being amended were two year old prices; it had been two years since the lights were installed on the interchange.

Councilmember Francis asked if this would be rebid every year.

Alex said yes.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented, including changes to Title 9 as explained by Gary Crane; striking Section 9.24.020 prohibiting pool halls and adding 9.44.080 prohibiting sky lanterns within all areas of the City. Councilmember Brown seconded the motion, which

passed unanimously.

## **PUBLIC HEARINGS:**

### **AMEND BUDGET FOR FISCAL YEAR 2012-2013 – RESOLUTION 13-32**

Tracy Probert said Resolution 13-32 would amend the fiscal year 2012-2013 budget. He said this was a housekeeping type of procedure where the budget needed to be brought in line with spending. Tracy said State law allowed the City to amend the budget following a public hearing. He said it was important to note that if spending in a department or fund would have gone over budget, the amendment hearing would have been held during the year. Tracy said it was good for the public to understand that the City was not overspending its budget and then coming back at the end of the year to amend things; the City did not overspend in a department or fund during the year.

Tracy said in the general fund the net additions and reductions proposed in the amendments totaled \$956,140.36. The funding source of \$540,000 from fund balance would be appropriated to cover the costs of fuel, salt, sand and other repairs due to the heavy snow fall this year; the West Layton Village election costs; the splash pad electrical costs in Ellison Park; UIA assessments; and a detention basin project near the conference center. He said there was also \$357,000 in police and fire special services revenue for which an estimation was not available at the beginning of the budget process. Tracy said there was \$27,000 in grant revenue that was not originally estimated; a \$30,000 transfer of B&C Road funds to the Streets Department for a crack seal program; and a \$179 sale of police evidence. He said there were also amendments to the B&C Road impact fee, Davis Metro capital project, E911 revenues and telecom infrastructure funds that were detailed in the schedule of amendments. Tracy said the Council had had an opportunity to review the amendments in the earlier work meeting. He said Staff recommended approval.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Francis moved to close the public hearing and adopt Resolution 13-32 approving the budget amendments. Councilmember Flitton seconded the motion, which passed unanimously.

### **ADOPT BUDGET AND CERTIFIED TAX RATE FOR FISCAL YEAR 2013-2014 – ORDINANCE 13-19**

Tracy Probert said Ordinance 13-19 would adopt the budget for fiscal year 2013-2014, adopt the schedule of compensation of elected and statutory officials and set the property tax levy rate. He said the tentative budget was adopted on May 2, 2013, and had been available since that time for public review. Tracy said there was one change to the tentative budget, that was now included in the final budget document. He said the change was a decrease in the budgeted property tax revenue estimate; his estimate for the tentative budget relative to property tax was \$6,700,000 based on current year collections and anticipated new growth. Tracy said the State allowed the City to adopt a property tax rate that was estimated to generate the amount of revenue equivalent to the previous year's budget, not the amount that was collected, which was the reason for the change. Upon receipt of the City's certified tax rate of .002046 from the Davis County Clerk/Auditor, it was noted that that estimate should be \$6,245,903, which was what was allowed without holding a Truth in Taxation hearing. Tracy said the difference was \$454,097 and Staff proposed to increase the following areas of revenue in order to offset that difference: 1) increase delinquent property tax from \$120,000 to \$250,000; 2) increase sales tax revenue from \$11,485,000 to \$11,585,000; 3) increase building permit revenues from \$650,000 to \$750,000; 4) increase building plan check fees from \$100,000 to \$150,000; and 5) increase use of fund balance from \$1,082,118 to \$1,156,215. He said based on current year collections and current forecasts, Staff felt that it was reasonable and justifiable to increase the other line items in order to offset the reduction in the property tax line item of the budget.

Tracy said the budget did not include a property tax rate increase. He said the budget included a merit increase for employees of approximately 2.5%, but that did not apply to the Mayor or Council. Tracy said the Utah Retirement System increased their rates and the budget covered those increases. He said the City's

health plan was stable and there were no budgeted increases.

Tracy said budgeted revenues and expenditures for the City's entire budget totaled \$61,689,337 and was approximately 3.45% higher than the previous year. He said budgeted expenditures in the general fund, excluding transfers and uses of fund balance, totaled \$25,194,202, which was \$11,654 less than the previous year. Tracy said it was anticipated that unrestricted fund balance would be 15.48% at the end of fiscal year 2014, which was well above the State minimum of 5%. He said this year the State Legislature increased the maximum level of fund balance to 25%, which was significantly higher than the 18% maximum that had been allowed for a number of years.

Tracy said the budget also included increases in the sanitary sewer utility fee, and included the establishment of a street lighting fund and street lighting utility fee, which were discussed earlier as part of the consolidated fee schedule amendments. He said Staff recommended approval.

Mayor Curtis expressed appreciation to the Council and Staff for their work on the budget. He said Layton City was on very solid footing.

Councilmember Brown said the budget process began in February with several work meetings. The budget that was presented was 123 pages, and even though only the highlights were discussed this evening, it had been available for the public to review for a month. She said the budget document included information about the number of employees in each department, and how many employees there were per 10,000 residents. Councilmember Brown said the number of employees had gone down in relation to the population, but she didn't think the service that was provided had gone down at all. She said the City had done more with the same number of employees in the last few years and she appreciated that that was the case. Councilmember Brown said new employees had not been hired and employees had not received an official raise for quite a few years, but they had stepped up and provided the same level of service to the public.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Flitton moved to close the public hearing and adopt Ordinance 13-19 adopting the budget and certified tax rate for fiscal year 2013-2014. Councilmember Brown seconded the motion, which passed unanimously.

**The meeting adjourned at 8:03 p.m.**

---

Thieda Wellman, City Recorder